

The 10th April, 1973

No. 286.—Whereas the Governor of Haryana is satisfied that land specified below is needed by the Government, at public expense, for a public purpose namely construction of a link road from Barwala to Sunderpur, tehsil Kalka district Ambala, it is hereby declared that the land described in the specification below is required for the aforesaid purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act, the Land Acquisition Collector, Haryana, P.W.D., B&R Branch, Ambala Cantt. is hereby directed to take order for the acquisition of the said land.

Plans of the land may be inspected in the offices of the Land Acquisition Collector, Haryana, P.W.D., B&R Branch, Ambala Cantt. and the Executive Engineer, Construction Division No. II, Chandigarh.

SPECIFICATION

District	Tehsil	Locality/Village and Hadbast No.	Area in Acres	Rectangle/Killa No./Khasra Nos.
Ambala	Kalka	Barwala, Hadbast No. 246	3.31	1 21/2, 21/1 1 17, 16, 15, 14, 9, 8, 7, 3/2, 3/1, 2/2, 1 2, 1, 29, 28, 27, 25/2, 25/1 13 19, 12, 11, 10, 9, 2, 1/3, 1/2, 1/1, 26, 22, 13 21/3, 21/2, 21/1, 20 21 25/1, 25/2, 16/2, 16/1, 15, 6, 5 20 26, 21, 20/2, 20/1, 11, 10, 1, 90, 5/2
Ambala	Kalka	Raipur alias Sunderpur Hadbast No. 24	2.60	14 25, 17/2, 16/2, 13/1, 12, 9/2, 2, 1 18 13/1, 8/3, 9/5, 9/2, 2/2, 1, 25/1, 17/3, 18 17/2, 16/2, 14/2, 45, 44, 43, 31, 28
		Total	5.91	

The 11th April, 1973

No. 287.—Whereas the Governor of Haryana is satisfied that land specified below is needed by the Government, at public expense, for a public purpose, namely, construction of a link road from State Highway to village Sultanpur, tehsil Kalka, district Ambala, it is hereby declared that the land described in the specification below is required for the aforesaid purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act, the Land Acquisition Collector, Haryana, P.W.D., B.&R. Branch, Ambala Cantt., is hereby directed to take order for the acquisition of the said land.

Plans of the land may be inspected in the offices of the Land Acquisition Collector, Haryana, P.W.D., B.&R. Branch, Ambala Cantt. and the Executive Engineer, Construction Division No. II, Chandigarh.

SPECIFICATION				
District	Tehsil	Locality/ Village & Hadbast No.	Area in Acres	Rectangle/Killa No./Khasra Nos.
Ambala	Kalka	Sultanpur, Hadbast No. 241	1.248	9
			20, 2	22 —, 35, 30 1 13
				3 3 2 2 14 14 7 —, —, —, —, —, —, — 2 1 2 1 2 1 2
			Total 1.248	7 8 8 16 16 15 15 —, —, —, —, —, —, — 1 2 1 2 1 2 1

M. M. SHARMA,

Superintending Engineer,
Construction Circle, Haryana, Chandigarh.

IRRIGATION DEPARTMENT

The 30th April, 1973

No. 6407.—Whereas it appears to the Governor of Haryana that land specified below is needed by the Government at public expense, for a public purpose, namely for constructing Damkora Distributary from R.D. 29930 to tail RD 107000 in villages Ahmadwas, Bisalwas, Gagariwas, Phurtia Khera, Loharu, Dhani Man Sukh, Gothena, Kushal Pura, Damkora in tehsil Loharu, district Bhiwani, it is hereby notified that the land in the locality specified below is to be required for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, for the information of all to whom it may concern.

In exercise of the powers conferred by theforesaid section, the Governor of Haryana hereby authorises the officers of irrigation Department for the time being engaged in the undertaking along with their servants and workmen etc. to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Further, whereas the Governor of Haryana is satisfied that the land is required for constructing Damkora Distributary from R.D. 29930 to tail RD 107000 which is of very urgent importance within the meaning of clause (c) of sub-section (2) of section 17 of the said Act and whereas the Governor of Haryana is of the opinion that the provision of sub-section (2) of the said section are thus applicable, it is hereby directed under sub-section 4 of section 17 of the said Act that the provisions of section 5A of the said Act shall not apply in regard to this acquisition.

SPECIFICATION

District	Tehsil	Village	Area in Acres	Boundary
Bhiwani	Loharu	Ahmadwas	17.06	A strip of land 77070 feet in length varying in width lying generally in the direction from East to West as demarcated at site and as shown on the Plan and passing through Khasra numbers as per separate statement attached.
Do	Do	Bisalwas	1.85	
Do	Do	Gagariwas	27.48	
Do	Do	Phurtia Khera	5.52	
Do	Do	Loharu	36.41	
Do	Do	Dhani Man Sukh	8.08	
Do	Do	Gothena	14.32	
Do	Do	Kushal Pura	12.18	
Do	Do	Damkora	27.70	
		Total	150.60	

Statement showing Khasra numbers under which land proposed to be acquired for constructing Damkora Distributary from R.D. 29930 to tail R.D. 107000 in villages Ahmadwas, Bisalwas, Gagarwas, Phurtia Khera, Loharu, Dhani Man Sukh, Gothera, Kushalpura and Damkora in tehsil Loharu, district Bhiwani

Serial No.	Village	Tehsil	District	Habbast number	Part Khasra numbers/Field numbers, Rectangle/ Killas numbers				
1	Ahmadwas	.. Loharu	Bhiwani	56	34	35	46		
					21	24, 25	16, 17, 18, 19, 21, 22, 23, 24, 25		
						47	48		
					13, 14, 15, 17/2, 18, 19, 20, 21, 22, 23	48	1, 2, 3, 4, 53		
						49			
					5, 8, 9, 10, 11, 12, 13	54	1, 2, 1/3, 4, 5, 9/2, 10		
						55			
					6, 11, 12, 13, 14, 15, 18/2, 19, 20	56	16/1, 16/2, 17, 23		
						55	57		
					24, 25/1, 25/2	59	20, 21, 22, 23, 24, 25	16, 25	
						60			
					3, 4, 5		1, 2, 3, 4, 5/2, 9, 10	12, 128, 129, 130	
2	Bisalwas	.. Do	Do	57	318				
3	Gagarwas	.. Do	Do	58	43	44	45	70	
					21	21, 22, 23, 24, 25	25		
					71	60	1, 2, 3, 4, 5, 61		
					1, 2	6, 15	6/2, 7, 8, 9, 10, 11, 12, 13, 14, 15		
						62			
					6, 7, 8, 9/1, 9/2, 10, 11, 12, 13, 14, 15				
						63	64		
					6, 7, 8, 9, 10, 11, 12, 13, 14, 15	64	11, 12, 13, 14, 15, 16		
						65			
					17, 18, 19, 20	66	6, 7, 8, 9, 10/2, 11, 12, 13, 14, 15, 20		
						67	67		
					6, 7, 8, 9, 10, 11, 12, 13, 14, 15	68	6, 7, 8, 9, 10/1		
						68	10/2, 11, 12, 13, 14, 15	10/2, 11	
					10/2, 11, 12, 13, 14, 15	69	6, 7, 8, 9, 10/1, 10/2, 11		
						69			
					12, 13, 14, 15	70	125, 134, 135, 136, 417		
						71	5, 10, 11		
4	Phurtia Khera	.. Do	Do	59	7		8		
					11, 12, 13, 14, 15	9	8, 9, 10, 11, 12, 13/1, 13/2, 14, 15		
						10	10		
					6, 7/2, 8/2, 9, 10, 11, 12, 13, 14, 15	10	6, 7, 8, 13, 14		
						87, 88			
					15/1, 15/2				
5	Loharu	.. Do	Do	65	1, 2, 3, 4, 17, 18, 22, 23, 44, 45, 46, 60, 61, 62, 78, 79, 80, 84, 85, 86, 87, 106, 107, 109, 110, 113, 116, 162, 163, 164, 165, 186, 215, 217, 218, 221, 224, 225, 226, 227, 231, 232, 233, 234, 235/1, 235/2/2/2, 270, 1183	1280	1281		
						77	219	219	
6	Dhani Man Sukh	Do	Do	50	7	8	9		
					16, 17	19, 20, 22, 23, 24, 25	21, 22/1, 22/2, 23		
					11	12			
					1	5			

Serial No.	Village	Tehsil	District	Habast number	Khasra Nos.
7	Gothera	.. Loharu	Bhiwani	49	12, 16, 19, 20, 21, 42, 43, 48, 49, 50, 53/A, 53/B, 56, 86, 87, 89, 91, 103, 107, 108, 111, 112, 113, 178/18, 252/41, 253/41, 254/41, 272/18, 282/80, 283/82, 284/82, 285/82, 290/84, 302/106
8	Kushalpura	.. Do	Do	48	14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 64, 65/A, 65/B, 78/1, 80/1, 86/50, 89, 89/79/1, 90/79/1, 91/82/12
9	Damkora	.. Do	Do	45	34, 36, 38, 40, 41, 104, 148, 149, 155, 156, 166, 168, 175, 179, 186, 116, 218, 219, 246/99, 248/94, 269/187, 286/137, 293/43, 297/180, 298/180, 307/206, 308/206, 309/258, 328/247, 334/261, 347/230, 348/320, 351/234, 352/234, 354/236

(Sd.) . . .

Superintending Engineer,
Loharu Canal Circle, Rohtak.

The 19th April, 1973

No. 7396/20L.—Whereas the Governor of Haryana is satisfied that the land specified below is needed urgently by the Government at public expense, namely, for the extension of Chandnawal Minor from R.D. 68150 to R. D. 71540 taking off at R. D. 78000-Left, Fatehabad Disty, tehsil Fatehabad, district Hissar, for which a notification has been issued under sub-section (4) of section 17 read with clause (c) of sub-section (2) of section 17 of the said Act and published,—*vide* Haryana Government notification 4605/20-L, dated the 27th March, 1973, in Haryana Government Gazette, Part I, it is hereby declared that the land described in the specification below is urgently required for the above purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, for information of all to whom it may concern.

The plans of the land may be inspected in the offices of the Land Acquisition Collector, Public Works Department, Buildings & Roads Branch, Irrigation and Power, Ambala, Karnal and Executive Engineer, Tohana Division, Tohana.

In view of the urgency of acquisition, the Governor of Haryana in exercise of the powers conferred by section 17(2)(b) of the said Act hereby further directs that the Land Acquisition Collector, Buildings and Roads Karnal, should proceed to take possession of the land specified in accordance therewith.

SPECIFICATIONS

District	Tehsil	Village	Area in acres	Boundary
Hissar	Fatehabad	Jandli Kalan	6.14	A strip of land varying in width and 3,350 feet in length comprising of field No. 38 40, 25 23, 49, 50, 3, 4, 5, 1, 2, 3, 4, 7, 8/1, 9/1, 51, 4/1, 4/2, 5, 6, 7, 8, 9, 10, 52, 300, 302, 303, 776, 240, 241, lying generally in the direction of north-east to south-west and as shown on the index plan and demarcated at site

No. 7401/20L/21-PI.—Whereas the Governor of Haryana is satisfied that the land specified below is needed urgently by the Government at public expense, namely, for the extension of Gigorani Disty from R. D. 49000 to Tail R. D. 56800 taking off at R. D. 265968-Left Fatehabad Branch of tehsil Sirsa,

District Hissar, for which a Notification has been issued under Sub-Section (4) of Section 17 read with clause (c) of Sub-Section (2) of Section 17 of the said Act and published, — vide Haryana Government Notification No. 4611/4-L, dated the 27th March, 1973 in Haryana Government Gazette, Part I. It is hereby declared that the land described in the Specification below is required urgently for the above purpose.

This Declaration is made under the Provisions of Section 6 of the Land Acquisition Act 1894 for the information of all to whom it may concern.

The plans of the land may be inspected in the office of the Land Acquisition Collector, Irrigation Department, Ambala and the Executive Engineer, Sirsa Division, Sirsa.

SPECIFICATIONS

District	Tehsil	Village	Area in acres	Boundary	Khasras/Ractangles/Killas
Hissar	Sirsa	Chaharwala	3.35	Strip of land 7,800 Feet in Length varying in width generally lying in the Direction of North-East to South-West and as Demarcated at site and as shown on index plan.	38 20, 21, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 41 25, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25
Do	Do	Shahpuria	3.03		142 19, 20, 21 141 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 140 16, 17, 18, 19, 20, 21, 22, 23, 24, 25
Do	Do	Ram Pur Bagrianwala	4.32		8 20, 21, 22 9 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 10 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 11 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 12 16, 17, 18, 19, 20, 21, 22, 23, 24, 25
Total			10.75		

By the order of Governor of Haryana.

D. R. KSHETARPAL,
Superintending Engineer
Hissar Bhakra Canal Circle Hissar.

LABOUR DEPARTMENT

The 26th April, 1973

No. 4486-4Lab 73/17489.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana Rohtak in respect of the dispute between the workmen and management of M/s Delhi Pulp Industries, N. I. T., Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 208 of 1972

between

SMT. DAYALI BAI AND THE MANAGEMENT OF M/S DELHI PULP INDUSTRIES, N. I. T., FARIDABAD

Present:

Shri Chiman Lal Oberoi for the worker.

Memo for the Management.

AWARD

In exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, the following dispute between the management of M/s Delhi Pulp Industries, N. I. T., Faridabad and its worker Shrimati Dayali Bai was referred for adjudication to this court by order No. ID/FD/72/3234/50, dated the 22nd August, 1972 of the Governor of Haryana.

"Whether the termination of service of Shrimati Dayali Bai was justified and in order? If not to what relief is she entitled?"

Usual notice were given to the parties, Amicable settlement has been arrived at. The worker concerned has given up her right of reinstatement or re-employment on receipt of Rs. 168 in full and final settlement of her claims against the management and there is now no dispute left between the parties as stated by Shri Chaman Lal Oberoi, General Secretary, Faridabad Engineering Workers Union, Faridabad who represents the worker. The award is made accordingly. There shall be no order as to costs.

Dated the 16th April, 1973.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 1051, dated the 23rd April, 1973.

Forwarded (four copies) to the Secretary to Government, of Haryana, Labour and Employment Department, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 4485-4Lab-73/17491.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management M/s Thomson Press (India) Ltd., Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 135 of 1972

between

SHRI B. S. BIST AND THE MANAGEMENT OF M/S THOMSON PRESS (India) LTD., FARIDABAD

Present:—

Shri P. N. Puri, for the workmen.

Shri K. P. Aggarwal, for the management.

AWARD

By order No. ID/FD/72/11590-96, dated 5th April, 1972, the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this court between the management of M/s. Thomson Press (India) Ltd., Faridabad and its workman Shri B. S. Bist.

Usual notices were given to the parties and they put in their respective written statements. Shri B.S. Bist the concerned workman re-iterated his demand for reinstatement with continuity of previous service and full back wages as earlier raised through demand notice dated 27th December, 1971 which forms part of the reference contending that his services had illegally been terminated. The management contested his claim mainly on the ground that the post of the Lay-out Artist held by Shri Bist had since become surplus he had to be brought under retrenchment and he had collected his dues on 25th October, 1971 in full and final settlement of his entire claim; when the letter of retrenchment was given to him.

It is, however, not necessary to go into the merits of case as the dispute has been settled outside the court and Shri Bist has received his dues in full and final settlement of his claims against the management giving up his right of reinstatement or re-employment. There is now no dispute left between the parties and a no dispute award is made as desired by them. In the circumstances, there shall be no order as to costs.

Dated 17th April, 1973,

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 1051, dated 23rd April, 1973.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 4491-4Lab-73/17733.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court Haryana, Rohtak in respect of the dispute between the workmen and the management of M/s Radhika Woollen and Silk Mills (P) Ltd., Faridabad :—

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT

HARYANA, ROHTAK
Reference No. 191 of 1972

between

SHRI SURESH CHANDER AND THE MANAGEMENT OF M/S RADHIKA WOOLLEN &
SILK MILLS (P)LTD., FARIDABAD

Present:—

Nemo, for the workman.

Shri H. L. Kapoor, for the management.

AWARD

By order No. ID/FD/72/26938-42 dated 20th July, 1972 of the Governor of Haryana, the following dispute between the management of M/S Radhika Woollen & Silk Mills (P) Ltd., Faridabad and its workman Shri Suresh Chander was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947 :—

"Whether the termination of services of Shri Suresh Chander was justified and in order ?
If not, to what relief is he entitled ?"

On receipt of the order of reference usual notices were given to the parties. The workman concerned has not filed any statement of claim and he has not even appeared to pursue his claim in person or through authorised representative. The management on the other hand, has urged that as a matter of fact, he has already settled his dispute. Statement of Shri H.L. Kapoor authorised representative of the management

has, therefore, been recorded. He has prooved the application dated 1st August, 1972, Ex. M. 1 made by this workman for the settlement of his dispute, the copy of the voucher Ex. M. 2 showing payment of Rs. 53/16 found due to him (original voucher duly signed by him), another application Ex. M. 3 made by the workman to the effect that he had received the dues in full and final settlement of his claims.

Taking into consideration the material brought on record, I am satisfied that the workman concerned has already settled the dispute and received his dues in full and final settlement of his claims against the management. In the circumstances, he is not entitled to any other relief. The award is accordingly made in terms of the above settlement. There shall be no order as to costs.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

Dated the 18th April, 1973

No. 1045, dated 23rd April, 1973

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 4489-4 Lab-73, 17735.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/s Mohinder Engineering Works Faridabad:—

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 120 of 1971

between

SHRI HAR SARUP SINGH AND THE MANAGEMENT OF M/S MOHINDER ENGINEERING WORKS, FARIDABAD.

Present.—

Shri Roshan Lal, for the workman.

Nemo, for the management.

AWARD

By order No. ID/FD/679-A-71/23114-18, dated 27th July, 1971, of the Governor of Haryana the following dispute between the management of M/s Mohinder Engineering Works, Faridabad and its workman Shri Har Sarup Singh was referred for adjudication to this Court in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947.

“Whether the termination of services of Shri Har Sarup Singh was justified and in order? If not to what relief is he entitled?”

Legal notices were given to the parties. None has appeared on behalf of the management and the notice has been received back as refused. Statement of the workmen concerned has been recorded.

As stated by the concerned workman Shri Har Sarup Singh he had joined service in the workshop of the respondent as a Turner at Rs. 155 per month on 26th May, 1970 and the management had terminated his services with effect from 27th January, 1971, without any notice or charge-sheet. It has further been stated by him that he had approached the management for his reinstatement but without any success and the demand notice given by the Union at his instance also proved ineffective. The matter was then taken up in conciliation but the management did not show any willingness to take him back on duty and hence the reference. The workmen has further stated that during this period of forced unemployment he has not been gainfully employed any where inspite of his efforts. His above statement finds support in the testimony of Shri Roshan Lal Sharma, Union Leader who had given the demand notice leading to the present.

Taking into consideration the facts of the case as stated above, I see no reason to disbelieve the claim of the workman especially when the management has not cared to come forward and contest the same.

despite of notice. The termination of services of the workman being thus without justification. He is entitled to reinstatement with continuity of his previous service and back wages. The award is made accordingly.

O. P. SHARMA.

Dated 15th April, 1973.

Presiding Officer.
Labour Court, Haryana.
Rohtak.

No 1047, dated 23rd April, 1973

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA.

Dated 14th March, 1973.

Presiding Officer,
Labour Court, Haryana.
Rohtak.

No. 4487-4Lab-73/17737.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workman and management of M/s Continental Engineering Udyog Company, Sector-4, Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 67 of 1972

between

SHRI BASANT RAM AND THE MANAGEMENT OF M/S CONTINENTAL ENGINEERING UDYOG COMPANY, SECTOR-4, FARIDABAD.

Present:

Nemo, for the workman.

Shri R. C. Sharma, for the management.

AWARD

By order No. ID/FD/282-A-71/6048, dated 16th February, 1972, the Governor of Haryana in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947, referred for adjudication to this court, the following dispute between the management of M/s Continental Engineering Udyog Company, Sector-4, Faridabad and the workman Shri Basant Ram.

“Whether the termination of services of Shri Basant Ram was justified and in order? If not to what relief is he entitled?”

On receipt of the order of reference usual notices were given to the parties. The management has filed the written statement pleading that Shri Basant Ram was not its workman and the industry even was not in existence when the dispute alleged to have taken place. An objection regarding mis-description of the respondent firm has also been raised. The workman has not filed any rejoinder to the above pleas of the management inspite of getting several adjournments for this purpose. He has further directed not to appear in person or through authorised representative to pursue his claim.

Statement of the authorised representative of the management Shri R. C. Sharma has been recorded. He has also placed on record the partnership deed of the respondent firm, dated 24th February, 1971, Exhibit M. 1

After taking into consideration the material brought on record, oral as well as documentary, I am satisfied that no industrial dispute existed between the parties which could validly be referred for adjudication to this court. In the first instance the workman has not come forward in person or through authorised representative to pursue his claim and refute the above pleas of the management. Then according to him he was appointed on 15th March, 1970 and his services were terminated on 15th October, 1970. A pursual of the partnership deed relating to the respondent firm would show that this firm, in fact, came into existence on 24th February, 1971 and that being so there was no question of Shri Basant Ram having been a workman of the said concern during the relevant period. There is nothing to indicate that the demand had been first raised on the management and rejected by it. According to the statement of

Shri R. C. Sharma the correct description of this concern is M/s Continental Engineering Company and not M/s Continental Engineering Udyog Company. The description of the management given in the order of reference, therefore, appears to be wrong. In any case, Shri Basant Ram having not been a workman of the respondent concern during the relevant period when the cause of action is alleged to have arisen for a simple and obvious reason that the industry had been started much latter, no industrial dispute existed between the parties within the meaning of the law which could validly be referred for adjudication and that may be the reason why the workman has not come forward to pursue his claim. In the circumstances, he cannot be held entitled to any relief. The award is made accordingly. There shall be no order as to costs.

Dated 17th April, 1973.

O. P. SHARMA.

Presiding Officer,
Labour Court, Rohtak.

No. 1049, dated the 23rd April, 1973

Forwarded (four copies) to the Secretary to Government of Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA.
Presiding Officer,

Labour Court, Haryana.
Rohtak.

No. 4490-4Lab-73/17741.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and management of M/s Mohinder Singh and Associates, Mathura Road, Faridabad:—

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 195 of 1971

between

Shri Ram Kumar and the management of M/s Mohinder Singh and Associates, Mathura Road, Faridabad

Present.—

Shri Roshan Lal, for the workman.

Shri R. C. Sharma, for the management.

AWARD

The following dispute between the management of M/s Mohinder Singh and Associates, Mathura Road, Faridabad and its workman Shri Ram Kumar, was referred for adjudication to this court,—*vide* order No. ID/FD/504-C-71/32477-81, dated 5th November, 1971, in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947:—

“Whether the termination of services of Shri Ram Kumar was justified and in order? If not, to what relief is he entitled?”

On receipt of the order of reference usual notices were given to the parties. The management has contested the claim of the workman on the ground that he had left service of his own accord. My learned predecessor framed the following issue in the case:—

“Whether the workman Shri Ram Kumar left the services of his own accord?”

The authorised representative of the management Shri R. C. Sharma, has made his statement and proved some documents including the application, dated 3rd May, 1971, of the workman, Ex. M. 1, asking for the clearance of his accounts and experience certificate, reply dated June 21, 1971, to the complaint filed by this workman before the Labour Inspector, Faridabad, Ex. M. 2, letter, dated June 29, 1971, addressed to the Labour Officer-cum-Conciliation Officer, Faridabad, Ex. M. 3, intimating that this workman had not been charge-sheeted or dismissed from service but that he had left the work of his own accord and the management was prepared to take him back on duty, copy of the report of the Conciliation Officer, Ex. M. 4, copy of the letter, dated 1st May, 1971, addressed to the Labour Officer-cum-Conciliation Officer, Faridabad, Ex. M. 5. Shri Mohinder Singh, a Partner of the concern, has also come into the witness-box.

From the facts stated on behalf of the management read with the documents filed in the case it is established beyond any shadow of doubt that this workman had, in fact, absented himself from duty with effect from 1st May, 1971 and he had not reported for duty inspite of notice given by the management. In conciliation proceedings also the management had made an offer to take him back on duty but he had declined this offer. In the circumstances, his services automatically stood terminated on account of his own conduct in remaining absent from duty without any proper authorisation for a period of more than a month and the question of the termination of his services by the management did not arise. It appears from the statement of Shri Mohinder Singh, partner that he had asked for the payment of his dues on 30th April, 1971, but the pay day being the 7th of the following month, the management could not pay him the wages on that day and he had, therefore, decided to absent himself from duty. He has not taken any interest in the present proceedings also and according to his authorised representative Shri Roshan Lal Sharma, who had given the demand notice leading to the present reference no instructions have been received from him to lead any evidence in the case.

In view of the above, Shri Ram Kumar, concerned workman is not entitled to any relief by way of reinstatement or re-employment having left the service of his own accord. He is however, entitled to receive payment of his wages for the month of April, 1971 which have admittedly not been collected by him he would be at liberty to collect the same from the management on any working day. In the circumstances, there shall be no order as to cost.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 1046, dated 23rd April, 1973.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana.
Rohtak.

No. 4488-4Lab-73/17743.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and management of M/s Elson Cotton Mills (P) Ltd., Ballabgarh:—

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 52 of 1971

between

SHRI CHANDER SINGH AND THE MANAGEMENT OF M/S ELSION COTTON MILLS (P)
LTD., BALLABGARH

Present :—

Shri Bhim Singh, for the workman.

Shri S. S. Sethi, for the management.

AWARD

The following dispute between the management of M/s Elson Cotton Mills (P) Ltd., Ballabgarh, and its workman Shri Chander Singh was referred for adjudication to this court by the Governor of Haryana,—vide order No. (D/17805-9, dated 9th June, 1971, in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 :—

“Whether the termination of services of Shri Chander Singh was justified and in order? If not, to what relief is he entitled?”

On receipt of the order of reference usual notices were given to the parties. The management contested the claim of the workman mainly on the ground that as a matter of fact, he has remained absent from duty from 21st January, 1971 to 27th January, 1971 continuously for 7 days and his name had, therefore, been struck off from the Master Roll, as per provisions of clause No. 7 (G) of the Certified Standing Orders of the Company, and as such, it was not a case of the termination of his services by the management, but one of loss of lien on account of the conduct of the workman himself. It was further urged that earlier also this workman had voluntarily left the job in the month of September, 1970. But on the persuasion of the Labour Officer-cum-Conciliation Officer he had been taken back on duty without wages as per agreement dated 14th September, 1971. The workman controverted the above pleas of the management. My learned predecessor framed the following issue in the case:—

Whether the applicant remained absent from duty from 21st January, 1971 to 27th January, 1971 and, therefore, he lost his service as per the provision of section 7(G) of the Certified Standing Orders of the respondent Company.

The management has examined two witnesses M.W. 1. Shri Jawala Singh, Labour Officer, M.W. 2 Shift Incharge Shri Chander Bhan Gabha. According to their testimony this workman had remained absent from duty continuously for 7 days from 21st January, 1971 to 27th January, 1971 as per entries in the attendance register copy Exhibit M.W. 1/1 and his name had, therefore, been struck off the rolls of the company as his continuous absence from duty was without leave or proper authorisation. According to M.W. 1, the workman had collected his dues.—vide boucher Exhibit M.W. 1/2 and he had never given the demand notice.

On the other hand, Shri Chander Singh has made his own statement besides examining a co-worker Shri Pawal W.W. 1. His plea is that as a matter of fact, he had not absented himself from duty and his services had been terminated by the management without any justification on 21st January, 1971 and that he had been going to the factory every day and on 22nd January, 1971 he had given an application asking for the reason of his removal from service. He has proved the demand notice Exhibit W.W. 2/1, settlement Exhibit W.W. 2/2. According to his witness W.W. 1 Shri Pawal the workman Shri Chander Singh had been seen on the factory gate on 22nd January, 1971 when he had told the witness regarding the termination of his service. He has further deposed that after 6 or 7 days Shri Chander Singh had come into the office of the Union.

The case has been argued on both sides and I have considered the facts on record. As would be clear from the facts of the case stated above, the main question that arises for consideration in the case is whether the workman concerned had absented himself from duty continuously for one week as contended by the management and, therefore, his services automatically stood terminated as contended by the management. In view of the specific denial by the workman on the point, the burden was naturally upon the management to establish the above plea and after going through the evidence brought on record, I am satisfied that the management has succeeded in discharging this burden. There is the statement on oath of the Shift Incharge M.W. 2. Then there is the solemn testimony of the Labour Officer M.W. 1. A true copy of the relevant entry in the attendance register showing the absence of this workman from duty continuously for 7 days from 21st January, 1971 to 27th January, 1971 has been produced. There is nothing on the record to indicate that this absence from duty was by way of leave or proper authorisation, in any other manner. The workman has, in fact, contended that he was actually on duty during these days and it has been urged that on 22nd January, 1971 he had even submitted an application asking for the reason of his removal from service. No copy of that application has been filed nor has the original application been summoned from the management. No suggestion even was made to the Labour Officer, M.W. 1 and the Shift Incharge, M.W. 2 regarding any such application having been made by the workman on 22nd January, 1971. This plea appears to be only an after thought and having not been sustained by any satisfactory evidence, the same has got to be disbelieved.

It has been urged on behalf of the workman that as a matter of fact, the impugned action has been taken against him by way of victimisation on account of his trade union activities. This is belied by the witness of the workman himself and Shri Pawal W.W. 1 has stated in clear and unambiguous words that his services were not terminated due to any trade union activities.

It would thus be clear that the management did not pass any order of the termination of the services of this workman. He had, in fact, lost lien on the job on account of his continuous absence from duty without proper authorisation for 7 days and his services automatically stood terminated as per clause 7(G) of the Certified Standing Orders of the Company by which he was governed. In the circumstances, the management had no alternative but to strike his name off the rolls; evidently the management had no ill motive against him. He had earlier remained absent from duty in the month of September, 1970 also but on the persuasion of the Labour Officer-cum-Conciliation Officer he had been taken back on duty. However, this latitude shown by the management did not have any desirable effect upon the workman and he again absented himself from duty without proper authorisation and has therefore, to suffer the consequences. The issue is accordingly decided against him and it is held that he is not

entitled to any relief by way of reinstatement or payment of back wages. The award is made accordingly. There shall, however, be no order as to costs.

Dated the 17th April, 1973.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 1048, dated the 23rd April, 1973.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 4492-4Lab-73/17951.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workman and the management of M/s Escorts Ltd (Plant II), Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 241 of 1971

between

SHRI GIAN CHAND AND THE MANAGEMENT OF M/S ESCORTS LTD (PLANT II), FARIDABAD

Present.—

Shri Bhanu Ram, for the workman.

Shri P. C. Aggarwal, for the management

AWARD

The following dispute between the management of M/s Escorts Ltd. (Plant II), Faridabad and its workman Shri Gian Chand was referred for adjudication to this court by order No. ID/FD/744-71/5303-08, dated 29th November, 1971 of the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Gian Chand was justified and in order? If not, to what relief is he entitled?

Usual notices were given to the parties. An amicable settlement has been arrived at. The workman concerned has given up his right of reinstatement or re-employment in lieu of Rs. 750 paid to him according to the memorandum of settlement Exhibit M-1 as stated by his authorised representative Shri Bhanu Ram, General Secretary, Escorts (Plant II) Employees' Union, Faridabad.

In view of the above, the workman concerned is not entitled to any further relief in the case and the award is made accordingly. There shall be no order as to costs.

Dated the 16th April, 1973.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 1044, dated 23rd April, 1973

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.